



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,847	01/13/2004	Walter F. Michel	CCCI 0124 PUS	1406

50764 7590 01/25/2007
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
----------	--------------

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/756,847

Applicant(s)

MICHEL, WALTER F.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap et al (US 5,586,264 A) in view of Houtepen et al (US 2002/0012361 A1).

Regarding claims 1, 4, 7, 10-13, and 16-18, Belknap teaches a system and method of asset management and distribution, comprising: acquiring digital assets for distribution by a central content management system (18 – figure 1; col. 8, lines 40-52), each digital asset including a package of files (see figures 16-17; col. 7, lines 15-27), the files being processed prior to distribution from the central content management system to provide trick mode support, wherein the central content management system breaks up the digital asset into chunks for departure (control node 18 breaks the data files into segments or data blocks and spreads them across one or more storage nodes – col. 9, lines 1-7; col. 29, lines 20-24 and 42-59); receiving distributed digital assets for on-demand by a plurality of on-demand serving locations to delivery to users (the control node 18 selects and activates an appropriate communication mode from a plurality of communication nodes 14 and passes control information indicating to it the location of data file segments on the storage nodes – see col. 9, lines 8-16), and processing between the central content management system and the plurality of on-demand serving locations for distributing the digital asset chunks in a pipelined fashion (communication nodes 14 obtain data file segments from appropriate storage nodes via low latency switch 12 – figure 1; col. 12, lines 50-62). Belknap further teaches that the system provides the feature of trick mode support such

Art Unit: 2623

as play, stop, pause, resume, rewind...etc. (See col. 14, lines 23-30; col. 19, lines 57-64).

Belknap does not explicitly teach assembling the arriving digital asset chunks to recreate the digital assets with trick mode support. Houtepen teaches processes for forming packs by multiplexing data blocks or audio and video packs included ESDF data or meta bytes by a multiplexer, wherein meta bytes contains information that is used to support trick modes. (See 0008, 0029-0030, and 0033-0038). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Belknap by multiplexing the data blocks or audio/video packs included contain information that is used to support trick modes as taught by Houtepen in order to effectively distribute program streams with trick modes support to viewers where functional tasks are distributed in an optimal manner between hardware on the one hand and software on the other hand.

Further regarding claims 4, 10, and 16, Belknap teaches the pipelined distribution process on a priority basis (figure 2; col. 9, lines 32-39).

Regarding claims 2, 3, 5, 6, 8, 9, 14, 15, 19, and 20, Belknap teaches that the digital assets include VOD/audio on-demand assets and wherein the on-demand serving locations include VOD/audio on-demand serving locations (see col. 7, lines 15-27; col. 8, lines 46-53; col. 9, lines 8-16; col. 12, lines 21-23).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

January 19, 2007